

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

MALIBU MEDIA, LLC,)
)
Plaintiff,) Case No. 1:18-cv-06447
)
v.) District Judge: Thomas M. Durkin
)
WILLIAMS MULLINS,) Magistrate Judge Sheila M. Finnegan
)
Defendant.)
)

Third Amended General Order 20-0012 Joint Status Report

Plaintiff Malibu Media, by and through its attorneys, and Defendant, by and through his attorneys, pursuant to this Court's April 24, 2020 Third Amended General Order 20-0012 provides the Court with the status of this case as follows:

a) **The progress of discovery:** Defendant's Motion to Compel remains unresolved. On May 6, 2020 the Honorable Judge Thomas Durkin ordered as follows: **The parties should submit a joint status report by May 18, 2020 apprising the Court of whether Plaintiff has produced to Defendant the information to substantiate its good-faith basis for filing the complaint in this case, which the Court has repeatedly ordered to be produced. If such evidence has not been produced, Plaintiff should do so immediately, or explain in the status report why it cannot comply with the Court's order.**

Plaintiff's response to that Order is as follows: Plaintiff was ordered to provide Defendant with information to substantiate its good faith basis for filing the complaint in this case. In response, Plaintiff has provided Defendant with the evidence it relied upon to name the Defendant in this matter. Plaintiff has attempted on numerous occasions to

obtain the underlying evidence used as the basis of infringement from IPP International UG, Plaintiff's investigator. However, IPP International and its employees have been unreachable for numerous months and have failed to produce the demanded evidence to Plaintiff. The worldwide spread of COVID-19 has only exacerbated this issue and IPP International has failed to respond to electronic and telephonic inquiries. Plaintiff continues in its attempt to obtain this information from IPP International, but has doubts as to whether IPP International will respond. Plaintiff is willing to work with Defendant further to obtain this information, but has serious doubts about whether IPP International will be responsive.

b) The status of briefing on any unresolved motions: Defendant's Motion to Extend Discovery Deadline (ECF Dkt. No. 54) and Plaintiff's Motion to Dismiss Defendant's Counterclaim (ECF Dkt. No. 58) remain pending. Both motions are fully briefed and the Court has suggested in prior hearings that it wanted Plaintiff to produce the evidence it relied upon in filing its claim in order to rule on those motions.

c) Settlement efforts: Defendant has provided Plaintiff with its costs and fees to date and advised that it is a prevailing party in light of Plaintiff's Rule 41(a)(2) Motion to Dismiss its own claims. Plaintiff has been unwilling to engage in meaningful settlement discussions.

d) Provide an agreed proposed schedule (or alternative proposals) for the next 45 days: The parties seek the earliest in-person status the Court is able to schedule.

e) Provide an agreed proposed revised discovery and dispositive motion schedule (or alternative proposals) in cases where the current schedule needs revision: Not applicable.

f) Request any agreed action that the Court can take without a hearing:

The parties do not agree as to this issue.

Defendant requests that the Court enter sanctions against Plaintiff for failure to comply with this Court's multiple orders to produce evidence, deny Plaintiff's pending Motion to Dismiss, and allow Defendant 60 days to amend his Counterclaims.

g) State whether the parties believe a telephonic hearing with the judge is necessary and time urgent, and, if so, identify the issue that warrants discussion:

The parties do not believe a telephonic hearing is necessary at this time.

Dated: May 18, 2020

Respectfully submitted,

/s/ Joel A. Bernier

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